

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

VOCALSPACE, LLC

V.

DANIEL D. LORENZO and
LARKSPARK CORPORATION

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CASE NO. 4:09cv350
(Judge Mazzant)

ORDER

Pending before the Court is Plaintiff's Motion for Reconsideration of Order Denying Plaintiff's Motion for Sanctions for Defendants' Spoliation of Evidence (Dkt. #164).

The Court sees no basis for changing its prior decision. The Court left the issue open, in part, for trial. In the prior Order the Court found as follows:

The Court will allow the introduction of evidence of the circumstances surrounding the destruction of the servers. The admission of this evidence is consistent with Fifth Circuit law, and it would enable the Court the opportunity to further consider giving a spoliation instruction should the Court determine it is warranted.

After hearing the evidence at trial, the Court will decide whether to grant an instruction to the jury.

IT IS SO ORDERED.

SIGNED this 17th day of February, 2011.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE